

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 3:16-CR-30011-001

PATRICIA GAYLE LEWIS-ZUBKIN

DEFENDANT

OPINION AND ORDER

Before the Court is Defendant's motion (Doc. 258) for an extension of time to file a 28 U.S.C. § 2255 motion. The motion indicates that Ms. Lewis-Zubkin—who was sentenced on October 31, 2017 and against whom judgment was entered on November 1, 2017—believes her deadline to file a motion to vacate under 28 U.S.C. § 2255 is October 27, 2018.

A § 2255 motion must be made within one year of the latest of several dates, including “the date on which the judgment of conviction becomes final.” 28 U.S.C. § 2255(f)(1). For an appealed criminal conviction, like Ms. Lewis-Zubkin's, “[f]or the purpose of starting the clock on § 2255's one-year limitation period . . . a judgment of conviction becomes final when the time expires for filing a petition for certiorari contesting the appellate court's affirmation of the conviction.” *Clay v. United States*, 537 U.S. 522, 525 (2003). Ms. Lewis-Zubkin filed a notice of appeal in this case, and her appeal remains pending before the United States Court of Appeals for the Eighth Circuit. *United States v. Patricia Lewis-Zubkin*, No. 17-3411 (8th Cir.). Her conviction has not yet become final and § 2255's one-year limitations period has not begun. Because she does not yet need the relief she requests in her motion, it is DENIED.

IT IS SO ORDERED this 23rd day of October, 2018.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE